

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
FEBRUARY 16, 2010
7:03 P.M.**

ROLLCALL Answering rollcall were Members Bennett, Brindle, Housh, Swenson and Mayor Hovland.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Brindle and seconded by Member Swenson approving the Council Consent Agenda with the exception of Item IV.F. Request Commissioner of Transportation to Complete Speed Study of West 66th Street.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***MINUTES APPROVED – REGULAR MEETING OF FEBRUARY 1, 2010, AND WORK SESSION OF FEBRUARY 1, 2010** Motion made by Member Brindle and seconded by Member Swenson approving the minutes of the Regular Meeting of February 1, 2010, and Work Session of February 1, 2010.

Motion carried on rollcall vote – five ayes.

PUBLIC HEARING HELD ON 2010 COMMUNITY DEVELOPMENT BLOCK GRANT – RESOLUTION NO. 2010-22 ADOPTED Affidavits of Notice presented and ordered placed on file.

Associate Planner Repya described the Community Development Block Grant Program, noting the 2010 CDBG budget allotment was \$161,303. She presented the recommendation of the Human Rights and Relations Commission for the following distribution: Senior Community Services (Housing and Outdoor Maintenance for the Elderly) of \$17,165, Community Action Partnership for Suburban Hennepin (CAPSH) of \$5,000, and HomeLine of \$2,030. Ms. Repya explained that after this \$24,195 distribution for public services, staff recommended directing \$55,108 to the Rehabilitation of Private Property Program and \$82,000 to West Hennepin Affordable Housing Land Trust.

Member Swenson disclosed that she served on the board of CAPSH but received no remuneration for her service.

Janet Lindbo, Executive Director for Homes Within Reach, described the program's requirement with regard to payment of property taxes.

Beth Kodluboy, Executive Director of HomeLine, answered the Council's question about the calls received from Edina households, mostly due to foreclosures, infestation, and repairs. The Council requested the City's website include the telephone numbers that could be called should the need arise.

Mayor Hovland opened the public hearing at 7:11 p.m.

Public Testimony

Kitty Engle, HOME Senior Community Services, reviewed the services they provided to Edina seniors, points of referral, and thanked the Council for its support and long-term partnership.

Scott Zemke, Director of Program Operations for CAPSH, thanked the City for its support.

Member Housh made a motion, seconded by Member Brindle, to close the public hearing.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

Member Housh introduced and moved adoption of Resolution No. 2010-22, approving proposed use of 2010 Urban Hennepin County Community Development Block Grant Program funds and authorizing execution of subrecipient agreement with Hennepin County and any third party agreements. Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

PUBLIC HEARING HELD ON THE WATERS SENIOR LIVING OF EDINA – RESOLUTION NO. 2010-25 and 2010-26 ADOPTED APPROVING GUIDE PLAN AMENDMENT, REZONING, PRELIMINARY DEVELOPMENT PLAN AND PRELIMINARY PLAT, THE WATERS SENIOR LIVING OF EDINA Affidavits of Notice presented and ordered placed on file.

Planning Director Presentation

Planning Director Teague presented the application of The Waters Senior Living of Edina, 6200 Colonial Way, for a four story 150-unit senior housing project. He stated the first consideration would be the requested comprehensive guide plan amendment from public/semi-public to high density residential, a rezoning from R-1 single family unit district to PRD-5 planned residential district-5, preliminary development plan, and subdivision to create a new lot for the development. This action would require a four-fifths vote of the Council. The second consideration would be the preliminary rezoning, preliminary development plan and preliminary plat, which required a three-fifths favorable vote of the Council. Mr. Teague presented details of the project and advised the proponent desired to offer affordable housing if some assistance was offered by the City. He stated the Planning Commission, on an eight aye and one nay vote, recommended approval subject to the findings and conditions identified in the staff report.

Mr. Teague answered questions of the Council regarding zoning and parking requirements. Mr. Teague advised that every unit within this development would receive care, meeting the definition of assisted living residence. The Council noted a trail on Colonial Way was not proposed, which could be addressed prior to final plat consideration.

Proponent Presentation

Jay Jensen, Covenire Care, presented their development philosophy of “residents first” that allowed residents to age in place and goal for residents to live as independently as possible even though all received services. He described the proposed project components, displayed visuals of site features, and advised of market demand and derived public benefit.

Ted Yoch, Colonial Church Development Task Force Chairman, reviewed their RFP process Colonial Church had followed to find a qualified developer for this project and asked for the Council's favorable approval.

Senior Pastor Jack Fortin, Colonial Church, extended support for The Waters Senior Living project and affordable housing component.

Pastor David Holm, Director of Spiritual Services for The Waters Senior Living, described their extended spiritual program.

The Council asked questions of Mr. Yoch and Mr. Jensen about the project and opportunities given to the neighborhood for input. Mr. Jensen explained that affordable units would be available through the Hennepin County Elderly Waiver Program and their intent to offer affordable units even if State funding for that program was withdrawn. He advised that sidewalks would be incorporated to provide access between buildings and to the park. Mr. Jensen responded to the Council's concern with building mass on the north elevation, design materials, and traffic.

Frank Nevis, HGA Architects, answered questions of the Council and presented an exterior materials sample board.

Vernon Swing, RLK, Inc. answered questions of the Council regarding the traffic service level at the Crosstown ramps and Tracy Avenue. RLK had determined the amount of traffic generated by the development would be negligible and non-perceptible when compared to the existing traffic and would not impact the level of service. Mr. Jensen described the landscaping plan and downcast box lighting that would be used. Mr. Jensen stated staff would have overlapping schedules that would avoid a.m. and p.m. rush hours.

Mayor Hovland opened the public hearing at 7:35 p.m.

Public Testimony

Maria Field, representing Heritage of Edina, addressed the Council.

Lawrence Kerzner, 5828 Jeff Place, addressed the Council.

Patricia Mohr, 5440 Vernon Avenue, addressed the Council.

Chase Lindberger, representing Edina Park Plaza, addressed the Council.

Dorothy Kerzner, 5828 Jeff Place, addressed the Council.

Bill Johnson, 5816 Olinger Boulevard, addressed the Council.

Gene Holderness, 6807 Dovre Drive, addressed the Council.

Sarah Jones, 4701 Aspasia Circle, addressed the Council.

Kevin Smith, 5125 Schaefer Road, addressed the Council.

Liz Beer, 5804 Jeff Place, addressed the Council.

Jeff Pope, 6621 Mohawk Trail, addressed the Council.

Jennifer Myers, 4208 Oakdale Avenue, addressed the Council.

Elgin Manhard, 5529 Village Drive, addressed the Council.

Nancy Frykman, 6028 Schaefer Road, addressed the Council.

Michael Hime, 5300 Chantrey Road, addressed the Council.

Bill Rodgers, 6100 Arbour Lane, addressed the Council.

Steven Anderson, 7008 Mark Terrace Drive, addressed the Council.

Judith Rodgers, 6100 Arbour Lane, addressed the Council.

Ted Yoch, 6224 Braeburn Circle, addressed the Council.

Jennifer Kemp, Property Manager of Vernon Terrace, addressed the Council.

Member Swenson made a motion, seconded by Member Housh, to close the public hearing.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

The Council stressed its goal was always community benefit. At the request of the Council, Mr. Teague and the proponents addressed questions raised during the public hearing. Following discussion of the project, the Council stated the need for enhanced exterior treatment of the memory care building and requested additional analysis of the affordability component.

Member Housh introduced and moved adoption of Resolution No. 2010-26, approving a guide plan amendment from quasi-public to high density residential for Colonial Church at 6200 Colonial Way subject to the following findings:

- 1. The guide plan change is consistent with the adjacent land uses.**
- 2. The senior housing development is consistent with the multiple family housing development to the west.**
- 3. The guide plan change would be consistent with the public health, safety, and welfare.**
- 4. If affordable housing is included, it would assist in meeting the City's goal of 212 affordable housing units by 2030.**
- 5. The existing roadways would support the proposed project.**
- 6. The proposed project would meet the following goals of the Comprehensive Plan:**
 - a. Promote increased housing opportunities and a diversity of housing types by promoting the creative and innovative use of land designated for residential/commercial mixed-use while complementing the character of existing development and promoting transit use and other mobility alternatives.**
 - b. Seek to accommodate the total projected 1,500 new households projected to locate in the City by the year 2030.**
 - c. Promote a vision of community that is inclusive of a wide range of ages, incomes, and abilities and offers a wide range of housing options for Edina's residents. This broad vision of community is a cornerstone to promoting workforce housing that includes a wide range of housing prices and options, based on the principle that those who contribute to the community should have the opportunity to live here. Also, this housing vision strengthens and reinvigorates community institutions and makes the City an attractive destination for young families.**
 - d. Increase the appeal of Edina's housing stock in order to attract new residents and retain current residents.**
 - e. Promote lifecycle housing to support a range of housing options that meet people's preferences and circumstances at all stages of life.**
 - f. Acknowledge the interrelationship between land use and transportation, and support the expansion of existing transportation infrastructure capacity through wise land use.**

and subject to the following conditions:

- 1. Rezoning and preliminary development plan approval for a senior assisted-living project.**

Member Swenson seconded the motion.

The Council indicated the City's demographics had evolved, this project met a community need, and created an opportunity to bring a new offering of quality senior housing by a provider with a proven track record. It also met initiatives within the Comprehensive Plan. The need to balance competing interests was addressed and concern discussed about the size, scope, and scale of the project. The Council indicated that due diligence had been completed in consideration of the requested guide plan amendment.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

Member Bennett requested that the previous motion be reconsidered allowing her to change her vote, stating while she supported the guide plan amendment and preliminary concept, she would not support the project as designed.

Member Bennett made a motion, seconded by Member Swenson, to reconsider.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

Member Housh introduced and moved adoption of Resolution 2010-26, approving a guide plan amendment from quasi-public to high density residential for Colonial Church at 6200 Colonial Way, subject to the findings and conditions as stated above. Member Swenson seconded the motion.

Rollcall:

Ayes: Brindle, Housh, Swenson, Hovland

Nays: Bennett

Motion carried.

Member Swenson introduced and moved adoption of Resolution No. 2010-25, approving a preliminary rezoning, preliminary plat and preliminary development plan for The Colonial Church site at 6200 Colonial Way subject to the following findings:

- 1. The guide plan change is consistent with the adjacent land uses.**
- 2. The senior housing development is consistent with the multiple family housing development to the west.**
- 3. The guide plan change would be consistent with the public health, safety, and welfare.**
- 4. If affordable housing is included, it would assist in meeting the City's goal of 212 affordable housing units by 2030.**
- 5. The existing roadways would support the proposed project.**
- 6. The proposed project would meet the following goals of the Comprehensive Plan.**
 - a. Promote increased housing opportunities and a diversity of housing types by promoting the creative and innovative use of land designated for residential/commercial mixed-use while complementing the character of existing development and promoting transit use and a other mobility alternatives.**
 - b. Seek to accommodate the total projected 1,500 new households projected to locate in the City by the year 2030.**
 - c. Promote a vision of community that is inclusive of a wide range of ages, incomes, and abilities and offers a wide range of housing options for Edina's residents. This broad vision of community is a cornerstone to promoting workforce housing that includes a wide range of housing prices and options, based on the principle that those who contribute to the community should have the opportunity to live here. Also, this housing vision strengthens and reinvigorates community institutions and makes the City an attractive destination for young families.**
 - d. Increase the appeal of Edina's housing stock in order to attract new residents and retain current residents.**
 - e. Promote lifecycle housing to support a range of housing options that meet people's preferences and circumstances at all stages of life.**
 - f. Acknowledge the interrelationship between land use and transportation, and support the expansion of existing transportation infrastructure capacity through wise land use.**

and subject to the following conditions:

- 1. The final development plan must be generally consistent with approved preliminary development plans date-stamped December 29, 2009.**
- 2. All traffic mitigation measures as required by the Transportation Commission and traffic study must be followed.**
- 3. Final park dedication requirement would be determined at final development plan approval.**
- 4. Final development plans must be reviewed and approved by the Nine Mile Creek Watershed District. Plans must be revised per conditions of the Watershed District.**
- 5. Final development plans shall comply with all the conditions outlined in the city engineer's memo dated January 21, 2010; the building official's memo dated January 7, 2010, and the fire marshal's memo dated January 11, 2010.**

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6. Implementation of the applicant's Travel Demand Management Plan (TDM), as submitted.
7. Thirty units or twenty percent (20%) of the project may contain affordable housing. How the affordable housing would be accomplished would be determined at the time of final development plan and final rezoning.
8. On-site sidewalks must be incorporated into the Final Development Plan, and have connections.
9. Provide a ten-foot trail easement as part of the park dedication requirement.
10. Cross-easements must be established over the exterior parking lot of the senior housing project, to allow the church access to those spaces.
11. The exterior of the memory care units (north facing east end of the building) must be revised and enhanced, subject to review and approval at the time of final development plan.
12. Building elevations or perspectives from Olinger Boulevard showing the proposed building and landscaping as planted, must be submitted as part of the Final Development Plan Application.
13. Additional landscaping should be provided along the north side of the property.

Member Housh seconded the motion.

Mr. Nevis presented the exterior materials sample board and answered questions of the Council. The Council noted the renderings identified the view from the Church property and requested renderings as viewed from residential homes with and without vegetation. The Council indicated that while it supported the concept of this project, concern remained with the four-story height and mass as currently designed.

Rollcall:

Ayes: Brindle, Housh, Swenson, Hovland

Nays: Bennett

Motion carried.

PUBLIC HEARING HELD ON INTENT TO ISSUE CAPITAL IMPROVEMENT PLAN BONDS – CAPITAL IMPROVEMENT PLAN AMENDED – RESOLUTION NO. 2010-24 ADOPTED Affidavits of Notice presented and ordered placed on file.

Mr. Hughes presented the recommendation to refund bonds to garner significant savings either through reissuing lease revenue bonds or a more advantageous savings to refund through issuance of general obligation bonds. He advised that the second alternative required holding a public hearing and amendment to the capital improvement plan. It was noted this would not involve new spending, but reduction of existing debt.

Mayor Hovland opened the public hearing at 10:45 p.m.

Public Testimony

No one appeared to comment.

Member Bennett made a motion, seconded by Member Housh, to close the public hearing.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

Member Swenson introduced and moved adoption of Resolution No. 2010-24, giving preliminary approval for the issuance of general obligation capital improvement plan bonds in an amount not to exceed \$9,500,000 and adopting the City of Edina, Minnesota, capital improvement plan for 2010 through 2014 under Minnesota statutes, section 475.521. Member Brindle seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***AWARD OF BID – 2010 FIBER OPTIC LOCATION CONTRACT RENEWED** Motion made by Member Brindle and seconded by Member Swenson awarding the bid for 2010 fiber optic location service contract renewal to the recommended low bidder, Access Communications, Inc. at \$22,727.71.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – PURCHASE OF GREENS MOWER** Motion made by Member Brindle and seconded by Member Swenson awarding the bid for Toro greens mower for Braemar Golf Course to the recommended low bidder, MTI Distributing at \$22,088.02.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2010-23 ADOPTED ACCEPTING VARIOUS DONATIONS Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations. **Member Bennett introduced and moved adoption of Resolution No. 2010-23 accepting various donations.** Member Brindle seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

ORDINANCE NO. 2010-03 ADOPTED – SPECIAL PERMIT ORDINANCE AMENDED TO INCLUDE FARMERS MARKETS Park & Recreation Director Keprios presented the recommendation of the Park Board to offer a farmers market at Centennial Lakes Park, which required an amendment to City Code 1230.07, and requested the Council waive second reading. The Council questioned the suggested ordinance language that allowed consignment for retail sale. Centennial Lakes Park Manager Shirley stated the farmers market would be held on Thursdays, 3:00 p.m. to 7:00 p.m., from July 1 to September 30, 2010. Sales would be of items grown or produced by the vendor and other items considered on a case-by-case basis. The Council asked questions of staff, discussed the recommendation, and requested that organic items be signed as such. **Member Swenson made a motion, seconded by Member Bennett, to grant First and waive Second Reading adopting Ordinance No. 2010-03, amending the Edina city code concerning farmers markets, revising the title of Section 2010.07, to indicate: “Special Permits for Pushcarts, Sidewalk Cafes and Farmers Markets” and the terms “farmer and farmer’s” to “farmers” throughout.**

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

ART CENTER BOARD APPOINTMENT CONFIRMED Mayor Hovland nominated Jini Washburn for appointment to the Art Center Board to fill the remainder of Michael Whitt’s term. **Mayor Hovland made a motion, seconded by Member Brindle, confirming the appointment of Jini Washburn to the Art Center Board with a term ending February 1, 2011.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***DEBT COMPLIANCE POLICY APPROVED** Motion made by Member Brindle and seconded by Member Swenson approving the post-issuance Debt Compliance Policy.

Motion carried on rollcall vote – five ayes.

RIDGE ROAD FEASIBILITY STUDY ORDERED City Engineer Houle presented the request of Betsy Robinson, 5021 Ridge Road, and neighbors that the City reconsider Ridge Road for reconstruction. The Council could either request the Ridge Road residents submit a petition for the project or direct the engineering department to prepare a feasibility study for the 2011 reconstruction season. He advised the pavement management system rated Ridge Road at 40

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and scheduled reconstruction for 2017. Mr. Hughes stated staff would recommend the same cost split for this project as other projects; the City would pay utility improvement costs and residents assessed for the street surface. This project did not move forward in 2004 because residents would not support the assessment or curb and gutter. The Council discussed the pavement condition. **Member Housh introduced and moved adoption of Resolution No. 2010-28, ordering feasibility report.** Member Brindle seconded the motion.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland
Motion carried.

SPEED STUDY REFERRED TO EDINA TRANSPORTATION COMMISSION Following discussion, **Member Bennett made a motion, seconded by Member Swenson, to refer the request for a speed study on West 66th Street from TH100 to Valley View Road to the Edina Transportation Commission.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland
Motion carried.

***METROPOLITAN COUNCIL HOUSING AGREEMENT AMENDED** Motion made by Member Brindle and seconded by Member Swenson to authorize signature and execution of a revised amendment to the Cooperation Agreement for the Metropolitan Council Family Affordable Housing Program.

Motion carried on rollcall vote – five ayes.

COMMUNITY COMMENT

No one appeared to comment.

***CONFIRMATION OF CLAIMS PAID** Motion made by Member Brindle and seconded by Member Swenson approving payment of the following claims as shown in detail on the Check Register dated February 4, 2010, and consisting of 29 pages: General Fund \$475,838.29; Communications Fund \$2,542.25; Working Capital Fund \$21,715.43; Art Center Fund \$10,780.15; Golf Dome Fund \$733.76; Golf Course Fund \$11,726.99; Ice Arena Fund \$2,963.12; Edinborough/Centennial Lakes Fund \$20,253.44; Liquor Fund \$135,668.87; Utility Fund \$14,585.87; Recycling Fund \$32.44; PSTF Agency Fund \$14,540.42; **TOTAL \$711,381.01** and for approval of payment of claims dated February 11, 2010, and consisting of 30 pages: General Fund \$887,746.08; Communications Fund \$1,325.28; Police Special Revenue \$3,006.28; Working Capital Fund \$4,861.71; Art Center Fund \$3,072.99; Golf Dome Fund \$4,534.90; Aquatic Center Fund \$1,467.97; Golf Course Fund \$6,373.45; Ice Arena Fund \$53,375.71; Edinborough/Centennial Lakes Fund \$19,007.97; Liquor Fund \$250,580.34; Utility Fund \$385,892.63; Storm Sewer Fund \$1,956.10; PSTF Agency Fund \$5,035.31; **TOTAL \$1,629,236.71** and Credit Card Transactions dated December 28, 2009 to January 25, 2010: **TOTAL \$3,364.67.**

Motion carried on rollcall vote – five ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 11:22 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, March 2, 2010.

James B. Hovland, Mayor

Video Copy of the February 16, 2010, meeting available.